

CASE NO. 1:06 CR 565-18

ORDER ACCEPTING PLEA  
AGREEMENT AND JUDGMENT AND  
NOTICE OF HEARING

On 6 December 2006, the government filed a three-count indictment against Berry Thompson for conspiracy to distribute cocaine base and cocaine in violation of 21 U.S.C. § 846, attempted distribution of cocaine base in violation of 21 U.S.C. § 841(a)(1), § 841(b)(1)(C), and 21 U.S.C. § 846, and possession of five grams or more of cocaine base with intent to distribute in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(B) . On 7 December 2006, a hearing was held in which Berry Thompson entered a plea of not guilty before Magistrate Judge Patricia A. Hemann. On 19 June 2007, Magistrate Judge Vecchiarelli received Berry Thompson's plea of guilty and issued a Report and

Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Berry Thompson is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Berry Thompson is adjudged guilty of the lesser offense in Count 1 in violation of 21 U.S.C. § 846 and § 841(b)(1)(B) and of Count 30 in violation of 21 U.S.C. § 841(a)(1) and § 841(b)(1)(B)(iii).

Sentencing will be:

**13 November 2007 at 3:00 p.m.  
Courtroom 9-A  
9th Floor, United States District Court  
801 West Superior Avenue  
Cleveland, Ohio 44113**

IT IS SO ORDERED.

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE

Dated: 20 August 2007